

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JOAN L. ROGERS
a.k.a. LEXINE JOAN GRUBSTICK
134 Elm Street # 304
San Mateo, CA 94401

Case No. 2011-813

Registered Nurse License No. **219594**

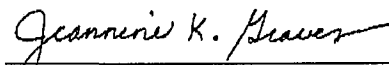
Respondent

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **September 14, 2011.**

IT IS SO ORDERED **September 14, 2011.**



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUDITH J. LOACH
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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2011-813

12 **JOAN L. ROGERS**
13 **AKA LEXINE JOAN GRUBSTICK**
14 **134 Elm Street # 304**
San Mateo, CA 94401
Registered Nurse License No. 219594

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 PARTIES

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Executive Officer of the Board
21 of Registered Nursing. She brought this action solely in her official capacity and is represented in
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Judith J. Loach,
23 Deputy Attorney General.

24 2. Joan L. Rogers, aka Lexine Joan Grubstick ("Respondent") is represented in this
25 proceeding by attorney Shelley D. Dwyer, whose address is 605 Middlefield Road, Redwood
26 City, California, 94063.

27 3. On or about September 30, 1971, the Board of Registered Nursing issued Registered
28 Nurse License No. 219594 to Respondent Joan L. Rogers. The Registered Nurse License was in

1 full force and effect at all times relevant to the charges brought in Accusation No. 2011-813 and
2 will expire on May 31, 2011, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2011-813 was filed before the Board of Registered Nursing
5 ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The
6 Accusation and all other statutorily required documents were properly served on Respondent on
7 March 28, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A
8 copy of Accusation No. 2011-813 is attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 2011-813. Respondent also has carefully read, fully
12 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
13 Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
16 her own expense; the right to confront and cross-examine the witnesses against her; the right to
17 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
18 compel the attendance of witnesses and the production of documents; the right to reconsideration
19 and court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 2011-813, agrees that cause exists for discipline and hereby surrenders her Registered Nurse
26 License No. 219594 for the Board's formal acceptance.

27 9. Respondent understands that by signing this stipulation she enables the Board to issue
28 an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 219594, issued to Respondent Joan L. Rogers, is surrendered and accepted by the Board of Registered Nursing.

1. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

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2. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

3. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2011-813 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

4. If and when Respondent's license is reinstated, she shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$ 9,237.75. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2011-813 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

6. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

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DATED:

Joan L Rogers
ROGERS

DATED:

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ENDORSEMENT

DATED:

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General

JUDITH J. LOREN

JUDITH J. LOACH
Deputy Attorney General
Attorneys for Complainant

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10-1-1955

Exhibit A

Accusation No. 2011-813

1 EDMUND G. BROWN JR.
Attorney General of California
2 FRANK H. PACOE
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3 JUDITH J. LOACH
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7 *Attorneys for Complainant*

8 **BEFORE THE**
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13 **JOAN L. ROGERS**
14 **Aka LEXINE JOAN GRUBSTICK**
15 **134 Elm Street # 304**
16 **San Mateo, CA 94401**
Registered Nurse License No. 219594

ACCUSATION

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about September 30, 1971, the Board of Registered Nursing issued Registered
23 Nurse License Number 219594 to Joan L. Rogers, aka Lexine Joan Grubstick ("Respondent").
24 The Registered Nurse License was in full force and effect at all times relevant to the charges
25 brought herein and will expire on May 31, 2011, unless renewed.

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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 FIRST CAUSES FOR DISCIPLINE

4 (Unprofessional Conduct – Patient Abuse)

5 9. Respondent is subject to disciplinary action under section 2761, subdivision (a), for
6 unprofessional conduct as while employed at Kaiser on or about October 29, 2009, she verbally
7 and physically abused patient S.N., who had been assigned to her care.

8 SECOND CAUSES FOR DISCIPLINE

9 (Criminal Conviction)

10 10. Respondent is subject to disciplinary action under sections 2761, subdivision (a) and
11 (f), and/or 490, for unprofessional conduct as on February 28, 2011, in a criminal proceeding
12 entitled *The People of the State of California v. Joan Rogers*, San Mateo County Superior Court
13 Case No. SM367371A, Respondent was convicted by her plea of *nolo contendere* to Penal Code
14 section 368(c) [elder abuse], a misdemeanor. Said conviction related to Respondent's conduct in
15 her care of Kaiser patient S.N., on or about October 29, 2009.

16 PRAYER

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board of Registered Nursing issue a decision:

19 1. Revoking or suspending Registered Nurse License Number 219594, issued to Joan L.
20 Rogers, aka Lexine Joan Grubstick.

21 2. Ordering Joan L. Rogers, aka Lexine Joan Grubstick to pay the Board of Registered
22 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
23 Business and Professions Code section 125.3.

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3. Taking such other and further action as deemed necessary and proper.

DATED: 3/28/11

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN

Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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